

Message

From: Gagne, Steven (BRI) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=USERS/CN=SGAGNE]
Sent: 4/2/2010 1:05:11 PM
To: Renczkowski, Daniel (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Daniel.Renczkowski]
CC: Corbett, Kate (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Kate.Corbett]
Subject: RE: Data Needed

The case was overturned because I merely introduced the drug certs, without calling a live chemist. Even though that was the "law of the land" back then, the appeals courts have been very generous to defendants who this happened to between 2005 and 2009. So even though we played by the books, he nevertheless gets a new trial (although i am going to see whether I might be able to plea the case out instead). I agree with you that technically the chemists were "available" had the defense attorneys wished to subpoena you, but the court views that as placing a burden of proof on the defendants, who don't have any obligation to prove anything. I don't necessarily disagree with the concept that chemists should have to testify in court, but I think it's ridiculous that we are re-opening thousands of drug cases from the past 5 years. Had they simply made this rule prospective only, we could abide by it going forward, but wouldn't have to spend so much time and effort re-proving cases from the past. But that's just my 2-cents.

Thanks for the updated CV, and I look forward to receiving the data. I will keep you updated on the status of the case.

-Steve Gagne

From: Renczkowski, Daniel (DPH)
Sent: Friday, April 02, 2010 8:25 AM
To: Gagne, Steven (BRI)
Subject: RE: Data Needed

Good morning Steve. I do have a slightly updated CV which I've attached to this email. Kate has pulled most of the data for this case already so I hope to be able to mail it out to you today, unless I get hauled into court. If you don't mind me asking and you have the time to answer, what exactly prompted the case to be overturned? Did the judge not allow the defense to question the chemists, as was the case in Melendez-Diaz? We're pretty curious as to why these cases are being overturned because from our standpoint, Melendez-Diaz didn't really change anything for us as we were always available to testify if called upon to do so. Anyway, I'll get the rest of the data together this morning and get that out to you asap.

Daniel Renczkowski
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From: Gagne, Steven (BRI)
Sent: Thursday, April 01, 2010 4:25 PM
To: Corbett, Kate (DPH); Renczkowski, Daniel (DPH)
Subject: RE: Data Needed

Thanks!

From: Corbett, Kate (DPH)
Sent: Thursday, April 01, 2010 7:23 AM
To: Gagne, Steven (BRI); Renczkowski, Daniel (DPH)
Subject: RE: Data Needed
Hi Steve,

We will mail you out a discovery packet, not a problem! Also, those are our recent CV's.

Thanks,
Kate

From: Gagne, Steven (BRI)
Sent: Wednesday, March 31, 2010 9:35 PM
To: Renczkowski, Daniel (DPH); Corbett, Kate (DPH)
Subject: Data Needed

Dear Dan & Kate,

I prosecuted a drug case back in 2008 involving certs [REDACTED] (all three = cocaine, defendants = [REDACTED]). The conviction was just overturned on the basis of the new case saying we can't just use drug certs anymore, so I may have to once again try this case. Therefore, would you mind retrieving the underlying data/notes/etc. generated during your work on this case, and mailing it to me, so I can provide it to the defense attorney?

Also, please let me know whether the copies of your CVs (attached) are recent, or whether there are updated versions.

Thank you very much!
-Steve Gagne
Bristol ADA